

BOARD OF ADJUSTMENT AGENDA

REGULAR MEETING

MONDAY SEPTEMBER 29, 2014

4:30 P.M.



CITY COUNCIL CHAMBERS

1. Meeting Called to Order.
2. Roll Call
3. Reading of the Minutes of the August 25th, 2014 Regular Meeting.
4. Public comment period. The general public is invited to address the Board of Adjustment regarding any item on this agenda. The overall and individual speaking time allotments may be limited by the Chair.
5. Consider request of Seth McGinn, McGinn Holdings, 855 West 6th, Dodge County, Fremont Nebraska, to erect building that will create insufficient buffer yard.

THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE AND THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT WWW.FREMONTNE.GOV AND DISTRIBUTED TO THE BOARD OF ADJUSTMENT, MAYOR AND CITY COUNCIL ON SEPTEMBER 22, 2014 AND IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC AT 400 EAST MILITARY, 3RD FLOOR. A COPY OF THE OPEN MEETING LAW IS POSTED CONTINUALLY FOR PUBLIC INSPECTION LOCATED NEAR THE COUNCIL CHAMBERS ENTRANCE DOOR BY THE AGENDAS. THE BOARD OF ADJUSTMENT RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.

STAFF REPORT

TO: Board of Adjustment

FROM: Justin Zetterman, Interim Planning Director

DATE: September 23, 2014

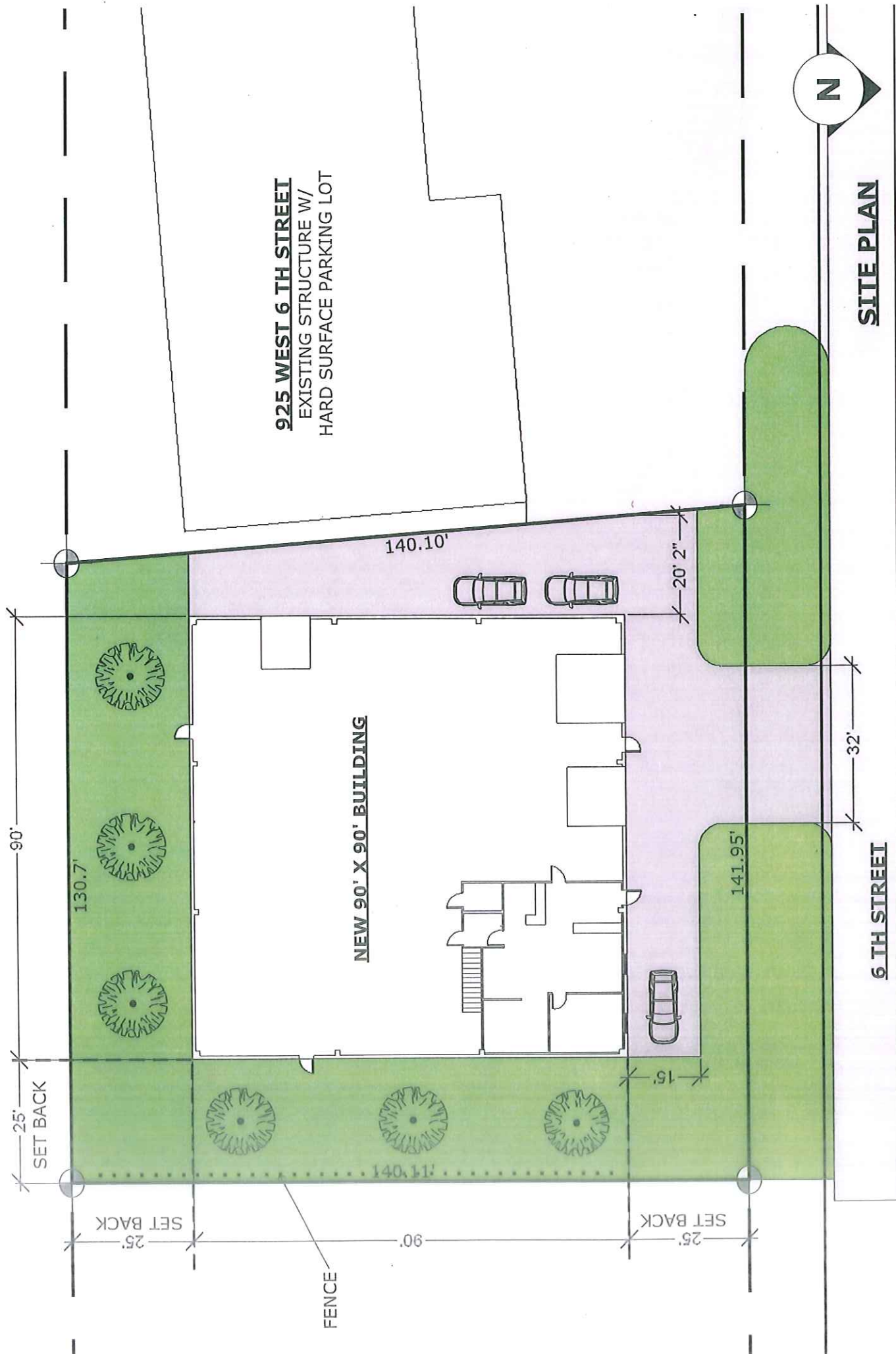
SUBJECT: Seth McGinn's request to construct a 90'x90' structure with insufficient sideyard buffer to the adjacent R-2 zoning district.

Recommendation: Allow construction of proposed building within the 40' required buffer under the condition that buffer area is to remain free of any outside storage and will be landscaped per the attached site plan and a screening fence is installed as per 806 (A) on page 8-3.

Background: This property is located on West 6th Street, roughly 1 block west of North M Street. The applicant is seeking to erect a 90'x90' structure on the property. In order to create separation between the proposed building and the existing building on the applicant's property to the west, the applicant is asking to reduce the required buffer yard between LI – Limited Industrial and R-2 – Moderate-Density Residential from 40' to 25'. This separation between the buildings will allow for better drainage between the buildings, better fire separation of the buildings and easier maintenance of snow and debris between the buildings.

Required Findings:

- (a) The strict application of the zoning regulations will produce an undue hardship.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity
- (c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by granting of the variance.
- (d) The granting of the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
- (e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this zoning regulations.
- (f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.



CAN COOKER INC.
FREMONT, NE



AUBERT CONSTRUCTION COMPANY INC.
30 West Military Ave. - Fremont, NE 68025 - 402.721.8223

6	7
44	4
5	4

6	7	8	1
5	4	3	2
43			

6	7	8	1
5	4	3	2
42			

6	7	4	3	2	1
5	4	5	6	7	8
41					
105					

4	3	2	1
5	6	7	8
106			

7	6	5
8	9	10
PIERCE		

1	2	3	2
4	5	3	4
12			
TAX LOT 3			
TAX LOT 2			
TAX LOT 1			
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UC			

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TAX LOT 3			
TAX LOT 2			
TAX LOT 1			
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4	3	2	1
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STREET			

11	12	13	14	15	16	17	18
ANNEX							
R1							

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11			
LI			

4	3	2	1
5	6	7	8
2			
STREET			

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10			
LI			

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9			
STREET			

4	5
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2	1	3	4
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PIERCE			